

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BYRON SMITH,

Plaintiff,

-against-

TAL DAGAN MD, P.C.,

Defendant.

21-CV-5692 (ALC)

DEFAULT JUDGMENT

ANDREW L. CARTER, JR., United States District Judge:

On July 1, 2021, Plaintiff Byron Smith (“Plaintiff”) filed a complaint against Defendant Tal Dagan MD, P.C. (“Defendant”) (Compl., ECF No. 1.) Plaintiff served the Complaint on August 2, 2021, making Defendant’s answer due August 23, 2021. (ECF No. 7.) To date, Defendant has not answered or otherwise responded to the Complaint.

On December 17, 2021, having obtained a clerk’s certificate of default, Plaintiff filed a Motion for Default Judgment against Defendant. (ECF No. 14.) The Court issued an Order to Show Cause on January 3, 2022, directing Defendant to show cause in writing why a default judgment for failure to move or otherwise answer the Complaint should not be entered. (ECF No. 15.) The Order warned Defendant that failure to respond could be grounds for the Court granting default judgment against Defendants. (*Id.*) Defendant did not respond to the Court’s Order and the Court entered default judgment against Defendant as to liability on March 3, 2023. (ECF No. 17.)

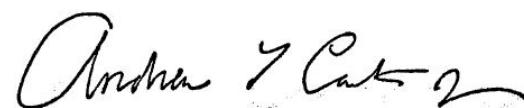
The Court issued an Order to Show Cause on March 3, 2023, directing Defendant to show cause why the Court should not award Plaintiff his requested damages. (ECF No. 19.) To date, Defendant has not responded to the Court’s Order.

Accordingly, it is hereby **ORDERED** that judgment be entered in Plaintiff's favor in the amount of \$5,000 in statutory damages under 17 U.S.C. § 504(c), \$735.00 for attorneys' fees, and \$440.00 in costs pursuant to 17 U.S.C. § 505 and Fed. R. Civ. P 54(d).

The Clerk of Court is respectfully requested to enter judgment in favor of Plaintiff and close this case.

SO ORDERED.

Dated: March 31, 2023
New York, New York



ANDREW L. CARTER, JR.
United States District Judge